

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Petition for Rulemaking ) RM-9260  
for "Class A" TV Service )  
 )

TO: THE COMMISSION

May 4, 1998

1. Engle Broadcasting, licensee of WPSJ-LP hereby urges the Commission to adopt the Community Broadcasters Association (CBA) Petition for Rulemaking to create a new "Class A" television station class, under Part 73 of the Commission Rules.

2. Engle Broadcasting supports CBA's Petition and believes that if adopted, the new rules will save community television stations from extinction.

3. WPSJ serves Camden County, New Jersey. Camden County is dominated by out of state television stations from Philadelphia, PA. These stations provide only token news and public affairs programming for New Jersey as they also serve much larger populations in Philadelphia and Pennsylvania.

The only full service station licensed to Camden County is a public broadcast station which operates as a satellite station of the Trenton based New Jersey Network. The network does not maintain a studio in Camden County.

4. Many low power stations, WPSJ included, produce significant amounts of local programming. Displacement of such stations would cause a loss of that programming that could not be replaced. WPSJ has a studio in Camden County and produces and airs a significant amount of local programming that is not available from any other source. The majority of programming is of a public service nature. WPSJ produces many local programs including Legal Line, a weekly discussion program featuring members of the Camden County Bar Association. WPSJ also produces live, medical call-in programs. Doctors from local hospitals appear to discuss topics such as heart disease, diabetes, cancer, drug addiction, strokes and other medical issues important to our viewers. Viewers may call in with questions and speak directly with the doctor. This is an important service to the community as viewers receive in-depth information and the interactivity allows each episode to be responsive to the local audience. Public response to these programs has been tremendous. WPSJ receives numerous requests from the public for replays and copies of the programs. Displacement of WPSJ means a loss of the local programming which has directly helped so many members of the Camden County community.

5. Engle Broadcasting has significant investment in WPSJ, both in the studio and the transmission plant. WPSJ operates within the same technical standards as a station licensed under Part 73.

6. It is imperative that the Commission adopt the CBA's Petition as soon as possible as it will act to stabilize the LPTV service. Many communities across the nation depend on community broadcasting stations for local programming which they otherwise may not enjoy. In the Rulemaking establishing the LPTV service (Docket 78-253; FCC 82-107), the Commission cited the "need for program diversity." With the vertical

integration of cable programming by cable operators and the rapid consolidation of television stations by a few large corporations, LPTV stations provide much needed local programming. LPTV stations must be highly responsive to the needs of local viewers in order to maintain economic viability. Thus adopting the CBA's Petition is in the public interest, convenience and necessity.

7. The Commission also specified that LPTV stations would be secondary to existing and new full service stations only. Indeed the Commission specifically refrained from designating LPTV secondary in spectrum usage to all other users of broadcast frequencies, particularly land mobile radio, MMDs and cable. The Commission has a moral obligation to adopt this rulemaking to protect low power operators from unfair treatment. It is unprecedented under FCC rules, for an operating broadcast service to become secondary to a new service.

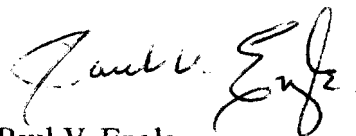
8. Engle Broadcasting concurs with the CBA Petition with the following exception: Engle Broadcasting believes that LPTV stations applying for Class A status should not need to demonstrate that the Class A applicant will not cause interference within the protected contour of an existing LPTV station or CP when such existing LPTV station or CP is already accepting interference from the Class A applicant. Cases exist where a low power station has received a construction permit which would otherwise be denied, by notifying the Commission it will accept interference from an existing low power station. Such stations then impede the existing low power station from applying for Class A status.

9. We request that 73. 627 (b) (iv) be modified as follows;

A showing that the Class A station will not cause interference within the Grade B contour of any television station that is operating on a channel specified in sections 73.606(b) or 73.622(b) as of the date of the Class A application, or within the protected contour of any low power television or television translator station authorized by construction permit or license prior to the date of filing of the Class A application. In the case of low power stations whose grantability was contingent upon accepting interference from the qualified LPTV station or television translator station applying for Class A status, then, the Class A applicant need only protect such low power stations from additional interference.

10. Engle Broadcasting hereby requests that the Commission speedily adopt the CBA Petition to ensure the continuation of the local programming and service to the community by low power stations.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Paul V. Engle". The signature is fluid and cursive, with the first name "Paul" and last name "Engle" clearly distinguishable.

Paul V. Engle  
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